

REMARKS

In view of the foregoing amendments and following remarks, favorable reconsideration of this application and early allowance thereof is respectfully requested.

Claims 1-13 stand rejected and are currently pending in this application. Claims 1, 3, 8 and 9 have been amended. No new matter has been introduced.

The Examiner objected to the Specification on informal grounds. The Examiner contends that the reference to "Fig. 1" on page 4 is improper and should be referred to as "the figure" because there is only one drawing figure in the present application. Applicants have amended the Specification as suggested by the Examiner. Applicants respectfully request that the Examiner withdraw the objection to the Specification on this basis.

The Examiner objected to the Abstract, contending that the Abstract exceeds 150 words. Applicants submit that the Abstract contains 149 words and, thus, no correction is required. Applicants respectfully request that the Examiner withdraw the objection to the Abstract on this basis.

The Examiner objected to claims 1-13 on informal grounds for the reasons set forth on pages 2 and 3 of the Office Action. To address these objections, Applicants have amended claims 1, 3, 8 and 9 as suggested by the Examiner. Applicants respectfully request that the Examiner withdraw the objections to claims 1-13 on this basis.

In the Office Action, the Examiner rejected claims 1-13 on indefiniteness grounds under 35 U.S.C. §112, second paragraph. The Examiner contends that it is unclear whether the recitation "an electrically actuatable valve associated with said high pressure compressed air load circuit" in claim 1 is intended to be the same or different from the electrically actuatable valve for supplying compressed air to the high pressure air load circuit recited earlier in the claim.

Applicants respectfully direct the Examiner's attention to at least paragraphs [0012] and [0024] of Applicants' published application, which provides that the valve in the above recitation is intended to be the same as the valve for supplying compressed air to the high pressure air load circuit recited earlier in the claim.

The Examiner rejected independent claim 1 and dependent claims 3, 4, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,276,761 ("Beck").

Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants' invention is directed to embodiments of an electronic compressed air system for vehicles comprising a compressed air supply part having a compressor, a compressed air consumer part having load circuits forming an air-suspension circuit, and service-brake circuits having reservoirs. The load circuits are supplied with compressed air via solenoid valves. The solenoid valve of the air-suspension circuit does not include reservoirs and is closed in the de-energized normal state. The solenoid valves of the other load circuit are open in the de-energized normal state. Independent claim 1 has been amended to further clarify the foregoing.

Beck describes embodiments of an air braking system having a compressor, an air consumer circuit, a first electrically actuatable valve between the compressor and the consumer circuit, an auxiliary air circuit, and a second actuatable valve between the compressor and the auxiliary circuit, wherein the auxiliary circuit is connected to the compressor via a non-return valve. In the event of an electrical failure, the auxiliary circuit can be arranged to supply air under pressure to the consumer circuit.

In contrast to the present claimed invention, Beck provides that the electrically actuatable valves for supplying compressed air to the service-brake circuits are in a closed

position in a de-energized normal state. In order to establish communication between the service-brake circuits and the high pressure circuit, it would be necessary to switch both the valves associated with the service-brake circuits and the valve associated with the high pressure circuit. In stark contrast, with the service-brake circuits in an open position in a de-energized normal state, the system according to embodiments of the present claimed invention can switch the valve associated with the air-suspension circuit to an open position to establish communication with the service-brake circuits in order to refill the air-suspension circuit.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983) (emphasis added), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that Applicants' system as claimed in independent claim 1 differs from the air braking system disclosed in Beck, as discussed above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claim 1 is thus patentable over this cited reference. Notice to this effect is earnestly solicited.

It is further submitted that dependent claims 3, 4, 11 and 13 are also allowable by virtue of their respective dependencies from independent claim 1, as well as for the additional steps and features recited therein. Notice to this effect is also earnestly requested.

The Examiner rejected dependent claims 2, 5-10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Beck in various combination with U.S. Patent No. 4,911,617 ("Buma I"); U.S. Patent No. 4,799,707 ("Buma II"); U.S. Patent No. 4,616,881 ("Müller"); and U.S.

Patent No. 6,149,246 (“Terborn”). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As an initial matter, Applicants respectfully submit that dependent claims 2, 5-10 and 12 are also allowable by virtue of their respective dependencies from independent claim 1. In addition, Buma I, Buma II, Müller and Terborn do not cure the severe deficiencies of Beck as discussed above.

The Buma I patent cited by the Examiner in combination with Beck against claims 2 and 12 describes embodiments of an air pressure circuit having a compressor that is divided into two chambers by a slidable piston. The Examiner cites Buma I for its general disclosure of an air suspension circuit and an air dryer disposed on the compressed air supply line.

The Buma II patent cited by the Examiner in combination with Beck against claims 5 and 5 describes embodiments of an electronically controlled suspension system for controlling the body attitude of a vehicle having reserve tanks for holding compressed air for delivery at start-up in order to decrease starting torque. The Examiner cites Buma II for its general disclosure of an electronic control device adapted to control a high pressure compressed air load circuit.

The Müller patent cited by the Examiner in combination with Beck against claim 8 and in further combination with Terborn against claims 7-10 describes embodiments of a tractor-trailer braking system with a control valve for the trailer that is controllable by at least two service brake circuits of the tractor. The Examiner cites Müller for its general disclosure of secondary load circuits without compressed air reservoirs.

The Terborn patent cited by the Examiner in combination with Beck and Müller against claims 7-10 describes embodiments of a compressed-air supply system having an air-suspension system and a brake system. The brake system is provided with a compressed-air tank connected to both the air-suspension system and brake system and dimensioned for air pressure greater than or equal to the air pressure demanded in the air-suspension system. The Examiner cites Terborn for its general disclosure of at least one secondary circuit having a lower pressure than service brake circuits.

None of Buma I, Buma II, Müller and Terborn cures the deficiencies of Beck as discussed above. Buma I, Buma II, Müller and Terborn do not teach or suggest that the electrically actuatable valves for supplying compressed air to the service-brake circuits are in an open position in a de-energized normal state. Accordingly, Applicants submit that claims 2, 5-10 and 12 of the present application recite features and structure nowhere found in the Buma I, Buma II, Müller and Terborn references, and, thus claims 2, 5-10 and 12 are patentable over these references, whether taken alone or in combination. Notice to this effect is earnestly requested.

The Examiner cited U.S. Patent No. 4,018,485 ("Fannin"), but did not apply the reference against the application claims. Applicants respectfully submit that no further comment regarding the forgoing cited but unapplied reference is deemed necessary or appropriate at this time.

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply other than the \$130 fee associated with the Petition for a One Month Extension of Time submitted herewith. A check in the amount of \$130 is enclosed to cover the foregoing fee.

Please charge any fee deficiency or credit any overpayment to the undersigned attorneys' Deposit Account No. 50-0540.

Respectfully submitted,

By:



Randy Lipsitz, Esq.

Registration No. 29,189

Richard L. Moss, Esq.

Registration No. 39,782

Leslie K. Nguyen, Esq.

Registration No. 49,081

Attorneys for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9100